

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN REAM

Plaintiff,

v.

JANET YELLEN, in her official capacity as
U.S. Secretary of the Treasury, *et al.*,

Defendants.

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Case No. 2:24-cv-364-EAS-cmv

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE

Pursuant to the Federal Rules of Civil Procedure and Local Rule 7.3, Defendants hereby move to extend certain deadlines in this matter. In support thereof, Defendants state as follows:

1. Plaintiff's complaint was filed on January 30, 2024, raising a claim that federal laws prescribing the location for distilling spirits are unconstitutional. *See* 26 U.S.C. §5601(a)(6), 26 U.S.C. §5178(a)(1)(B).
2. Defendants moved to dismiss the complaint on April 19, 2024, pursuant to Rule 12(b)(1) and 12(b)(6), arguing that Plaintiff lacks standing and that the complaint fails to state a claim that the challenged statutory provisions are unconstitutional.
3. On April 23, 2024, the Court scheduled an initial conference for May 15, 2024, and directed the parties to conduct a Rule 26(f) meet-and-confer and file a report seven days prior to that conference. The parties filed a joint motion to defer the Rule 26(f) meet-and-confer, report, and conference until resolution of the motion to dismiss. That motion was granted, *see* ECF NO. 18.

4. On May 23, 2024, Plaintiff filed an opposition to Defendants' motion to dismiss and a motion for summary judgment. In support of their motion, Plaintiff included an affidavit from Plaintiff Ream, containing factual allegations which were not advanced in the Complaint.
5. Defendants agreed to dispense with a Rule 26(f) conference, but did not convey to Plaintiff any agreement on summary judgment briefing.
6. Defendants were unaware Plaintiff planned to file a motion for summary judgment.
7. Defendants' reply in support of their motion to dismiss is due on June 6, 2024.
Defendants' opposition to Plaintiffs summary judgment motion is due on June 13, 2024.
8. Defendants respectfully request an extension to file a combined reply in support of their motion to dismiss and their opposition to Plaintiff's motion for summary judgment. Due to the press of other business, and planned travel, Defendants request that they be permitted an extension until August 9, 2024 for this filing.
9. No party will be prejudiced by this extension. The case was recently filed, and no other deadlines are pending.
10. Permitting Defendants to file a consolidated brief will promote the efficient and productive resolution of issues for the Court.
11. Defendants also request this Court continue to defer the Rule 26(f) meet-and-confer, report, and conference until the motion to dismiss is resolved, for the reasons the parties outlined in their joint motion. *See* ECF No. 17.
12. The parties have conferred and Plaintiff does not oppose this motion.

Dated: May 31, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Director
Federal Programs Branch

/s/ Hannah M. Solomon-Strauss
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Counsel for the Defendants

CERTIFICATE OF SERVICE

I certify that this motion was electronically filed with the Clerk of Court, using the CM/ECF system, on May 31, 2024, thereby serving all counsel of record.

/s/ Hannah M. Solomon-Strauss
HANNAH M. SOLOMON-STRAUSS
Counsel for the Defendants